

Docket No. F-8660

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**REMARKS**

Claims 11-18 are now pending in this application and are rejected. Claims 1-10 are previously cancelled. Claims 11 and 18 are amended herein to clarify the invention.

Claims 11-18 are rejected under 35 U.S.C. §103(a) as obvious over Fatherree (U.S. Pat. No. 5,013,015) in view of Vanistendael (U.S. Pat. No. 4,620,695). More specifically, the Office Action asserts that Fatherree discloses all the elements except for the holding means which is disclosed in Vanistendael.

MPEP §2181 states that "a claim limitation expressed in means-plus-function language 'shall be construed to cover the corresponding structure...described in the specification and equivalents thereof.'" *See* MPEP §2181 *quoting* 35 U.S.C. §112, sixth paragraph. Furthermore, for a mean- plus-function claim limitation "[i]f the specification defines what is meant by the limitation for the purposes of the claimed invention, the examiner should interpret the limitation as having that meaning." *See* MPEP §2182. The applicant respectfully traverses the rejection for not considering the specification's description of the means-plus-function structure when interpreting the claims.

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In the specification and figures the applicant has explicitly and very specifically identified the structure corresponding to the interlock means and guide means. The interlock means is denoted by the number 140 and the guide means is denoted by the number 150. The parts that are identified as part of the interlock means(140) include the guide pin (6e) or the guided projection (151), first elongate slot (4g) or first guide surface (152) and receiving portion (6c) which is part of the rotary member (6). The parts that are identified as part of the guide means (150) include the guide pin (6e) or the guided projection (151) and the first elongate slot (4g) or first guide surface (152). Therefore, in the present invention the structure that provides the guide means also functions as part of the interlock means.

The interlock means structure specified provides the means for moving the pressing member (5) between a pressing position and press releasing position. As is illustrated in Figure 7, the pressing member in the pressing position clamps the workpiece (2) to the fixing base (1). In other words, the clamp device (3) holds firmly or constricts the movement of the workpiece (2). This constriction is caused by the guide pin (6e) or the guided projection (151) pulling down on the receiving portion (6c) when the guide pin (6e) engages or interlocks with the first elongate slot (4g) or first guide surface (152) due to the smaller gradient of the first guide surface (152) as compared to the second guide surface (171). The workpiece (2) is,

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therefore, held firmly in place by the clamping force of the guide means portion of the interlock means.

Neither Fatheree nor Vanistendael disclose an interlock means with such a structure. The Office Action states that “the pin/slot connection [in Fatheree] is seen to fulfill the functions of the interlock means.” *See* Office Action page 3. However, neither the cam pin (37) nor the cam slot (29), which comprise the pin/slot connection in Fatheree, provide any clamping force function. In Fatheree, the pin/slot connection simply acts as a cam to force the mandrel (35), and thereby force the clamp member (43), to move laterally as the mandrel (35) moves up and down. *See* Fatheree col. 2 lines 53-60. Fatheree has an *additional* structure of a shaft (47) with a drive head (59) on one end to provide a clamping or pressing force. *See* Fatheree col. 3 lines 8-9. Therefore, Fatheree provides two distinct mechanical structures; one mechanical structure for lateral guidance of the mandrel (35) as it moves up and down that is comprised of the cam pin (37) and cam slot (29), and a second mechanical structure to apply a clamping force that is comprised of the drive head (59) and the shaft (47).

Similarly, in Vanistendael the cam slot (33b) functions only to guide the subpiston (31), and thereby guide the arm (35), to move laterally as the subpiston (31) moves up and down in the cylinder (17). *See* Vanistendael col. 4 line 60 to col

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5 line 2. The cam slot (33b), in Vanistendael, does not provide any clamping or pressing force in conjunction with a rotary member. Instead Vanistendael is a power clamp that uses hydraulic pressure in the main piston (28) for moving the arm (35) into clamping position. See Vanistendael Abstract. Therefore, neither Fatheree nor Vanistendael disclose the substantially same structure to perform the substantially same function as the present invention. Thus, a *prima facie* case of obviousness has not been established because in contrast to the cited art, the present invention integrates the function of providing a pressing force and a cam guide for a pressing member into the same structural elements.

MPEP §2141 (III) states “[t]he key to supporting any rejection under 35 U.S.C. 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious.” Furthermore, “[t]he [Supreme] Court, stated that “[R]ejections on obviousness cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” See *KSR International Co. v. Teleflex Inc.*, 82 USPQ2d at 1396 (2007) (quoting *In re Kahn*, 441 F.3d 977, 988, 78 USPQ2d 1329, 1336 (Fed. Cir. 2006)). In order to establish a *prima facie* case of obviousness, it is necessary to show that all the claim limitations are taught or suggested by the prior art. See *In re Royka and Martin*, 180 USPQ 580, 583, 490 F.2d 981 (CCPA 1974). Applicant respectfully traverses the rejection for not fully articulating the rationale

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for the rejection of the claims as being unpatentable under 35 USC §103. The Office Action does not discuss or provide any rationale as to the obviousness of the contact means recited in the claims. Thus, the obviousness rejection of the claims is not supported by the discussion in the Office Action.

MPFP §2143 states that when rejecting a claim based on the rationale that the recited structure is simply “combining prior art elements according to known methods to yield predictable results” there must be a “finding that the prior art included each element.” Applicant respectfully traverses the rejection because the cited art fails to include each element as recited in the claims. Neither of the cited references has a contact means as recited in the claims.

As discussed above, means-plus-function claim limitations are interpreted in light of the specification’s description of the associated structure. In the present application, the specification clearly points out that the contact means is comprised of an engagement member (113) in the rotary member (6) or the pressing member (5) and an engagement recess (111) in the pressing member (5) or the rotary member (6). The contact means allows the rotary member (6) to transmit rotational force to the pressing member (5) when a rotational force is placed on the rotary member (6) and the rotary member (6) is between a position corresponding to the first rotary position of the pressing member (5) and a position corresponding to the second rotary position

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of the pressing member (5). When the rotary member (6) rotates past the second rotary position, the engagement member (113) disengages from the engagement recess (111) and the pressing member (5) remains in the second rotary position. Applicant notes that the claims recite both the contact means and the functional relationship between the rotary member (6) and the pressing member (5) as just described. However, in an effort to clarify the invention further language has been added to the claims.

In contrast, Fatheree does not provide such a contact means. The drive head (59), which the Office Action identifies as the rotary member recited in the claims, is part of the shaft (47). However, the shaft (47) is rotatable relative to the mandrel (35) and the clamp member (43). *Id.* col. 3 lines 27-29, col. 4 lines 46-47, col. 5 lines 15-16 and 43-44, col. 6 lines 15-16 and 62-63. Therefore, the drive head (59), which is part of the shaft is also rotatable relative to the clamp member (43) and hence not capable of rotating the clamp member (43). Therefore, the drive head (59) does not have a contact means as recited in the claims. Thus, the cited art fails to include each element as recited in the claims and the claims are not rendered obvious in view of the cited art.

Applicant notes for the record that certain minor changes to the claims were made in the previous amendment, but not properly marked. In claim 18 line 9, a

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comma was replaced by a semicolon as follows: "facing the object and a second rotary position axially facing the object;; and". In claim 18 line 47, "wherein," was added as follows: "first rotary position to the second rotary position as the rotary member rotates, and

wherein, when the rotary member rotates from the middle rotary position to the other rotary position."

In light of the foregoing, the application is now believed to be in proper form for allowance of all claims and notice to that effect is earnestly solicited.

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No fee is believed due. If there is any fee due the USPTO is hereby authorized to charge such fee to Deposit Account No. 10-1250.

Respectfully submitted,

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